

2488 Historic Decatur Road
Suite 200
San Diego, California 92106
(619) 232-3122
Fax (619) 232-3264
www.stutzartiano.com



Arthur M. Palkowitz, Esq.
apalkowitz@stutzartiano.com



August 6, 2015

Heather Halsey
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Case Name: Training for School Employees Mandated Reporters (14-TC-02)
Rebuttal to Comments
Claimant: Lake Elsinore Unified School District

Dear Ms. Halsey:

Lake Elsinore Unified School District (“Claimant”) files this rebuttal in response to the Department of Finance comments.

A. Introduction

This test claim alleges reimbursable costs mandated by the State for school districts, county offices of education, state special schools and Department of Education diagnostic centers to provide annual training to their employees in child abuse detection and mandatory reporting obligations pursuant to the requirements in Statutes 2013-2014 Chapter 797 (A.B. No. 1432).

B. Legal Authority

Prior to AB 1432, the annual training of mandated reporters in school districts was not required. In the education setting, “mandated reporters” include all certificated and classified employees, administrators, athletic coaches and school resources officers – basically anyone who has regular contact with children.

This new law will require annual training regarding the detection and reporting of child abuse. Claimant alleges that the test claim statutes and regulation impose a reimbursable state mandated program for school districts under article XIII B, section 6 and Government Code section 17514. It was the intent of the Legislature in enacting the test claim statutes and regulations to provide a mandatory system of appropriate means of instructing school personnel in the detection of child abuse and neglect and the proper action that school personnel should take in suspected cases of child abuse and neglect. In order to accomplish these goals, the Legislature declared that school districts provide training to their employees annually.

Heather Halsey
Executive Director

Page 2

There will be incurred costs for District employees' time to participate in the training, as well as the necessity to have substitutes for certificated employees. School Districts may, but are not required, to use the online training module provided by the State Department of Social Services or any other online resources.¹

There is no evidence that any on-going revenue has been appropriated specifically to fund the costs of the mandated activities in this claim. Accordingly, the evidence in the record supports the finding that the claimant has incurred increased costs mandated by the state pursuant to Government Code section 17514.

Department of Finance ("DOF") comments agree there will be new responsibilities for AB 1432 and the evidence is clear Districts will incur costs for staff time in participating in the annual training. Department of Finance ("DOF") comments fail to address the budgeting or appropriations for funding allocated to the activities listed in the test claim statutes.

CERTIFICATION

I certify by my signature below, under penalty of perjury under the laws of the State of California, that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief.



Arthur M. Palkowitz

Attorney for the Claimant

¹ Ed. Code 44691(c): School districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools that do not use the online training module provided by the State Department of Social Services shall report to the State Department of Education the training being used in its place.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On August 10, 2015, I served the:

Claimant Rebuttal Comments

Training for School Employees Mandated Reporters, 14-TC-02

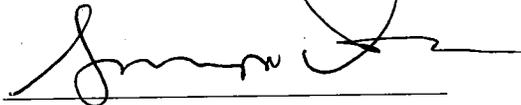
Education Code Section 44690 and 44691; Penal Code Section 11165.7

Statutes 2014, Chapter 797 (AB 1432)

Lake Elsinore Unified School District, Claimant

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 10, 2015 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 8/7/15

Claim Number: 14-TC-02

Matter: Training for School Employee Mandated Reporters

Claimant: Lake Elsinore Unified School District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

Amber Alexander, *Department of Finance*

915 L Street, Sacramento, Ca

Phone: (916) 445-0328

Amber.Alexander@dof.ca.gov

Socorro Aquino, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

Harmeet Barkschat, *Mandate Resource Services, LLC*

5325 Elkhorn Blvd. #307, Sacramento, CA 95842

Phone: (916) 727-1350

harmeet@calsdrc.com

Lacey Baysinger, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

lbaysinger@sco.ca.gov

Julia Blair, Senior Commission Counsel, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

julia.blair@csm.ca.gov

Mike Brown, *School Innovations & Advocacy*

5200 Golden Foothill Parkway, El Dorado Hills, CA 95762

Phone: (916) 669-5116

mikeb@sia-us.com

J. Bradley Burgess, *MGT of America*
895 La Sierra Drive, Sacramento, CA 95864
Phone: (916)595-2646
Bburgess@mgtamer.com

Gwendolyn Carlos, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-0706
gcarlos@sco.ca.gov

Pete Cervinka, *Department of Social Services (A-24)*
744 P Street, MS 17-27, Sacramento, CA 95814
Phone: (916) 657-2598
pete.cervinka@dss.ca.gov

Madelyn Childs, *Department of Justice*
Child Protection Program, 4949 Broadway, Sacramento, CA 95820
Phone: (916) 227-3263
madelyn.childs@doj.ca.gov

Annette Chinn, *Cost Recovery Systems, Inc.*
705-2 East Bidwell Street, #294, Folsom, CA 95630
Phone: (916) 939-7901
achinnrcs@aol.com

David Cichella, *California School Management Group*
3130-C Inland Empire Blvd., Ontario, CA 91764
Phone: (209) 834-0556
dcichella@cscentral.com

Patricia Cos, *State Board of Education*
1430 N Street, Suite #5111, Sacramento, CA 95814
Phone: (916) 319-0827
PdeCos@cde.ca.gov

Joshua Daniels, *Attorney, California School Boards Association*
3251 Beacon Blvd, West Sacramento, CA 95691
Phone: (916) 669-3266
jdaniels@csba.org

Patrick Day, *San Jose Unified School District*
855 Lenzen Avenue, San Jose, CA 95126
Phone: (408) 535-6572
patrick_day@sjusd.org

Marieta Delfin, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-4320
mdelfin@sco.ca.gov

Andra Donovan, *San Diego Unified School District*
Legal Services Office, 4100 Normal Street, Room 2148, , San Diego, CA 92103
Phone: (619) 725-5630

adonovan@sandi.net

Donna Ferebee, *Department of Finance*

915 L Street, Suite 1280, Sacramento, CA 95814

Phone: (916) 445-3274

donna.ferebee@dof.ca.gov

Chris Ferguson, *Department of Finance*

Education Systems Unit, 915 L Street, 7th Floor, 915 L Street, 7th Floor, Sacramento, CA 95814

Phone: (916) 445-3274

Chris.Ferguson@dof.ca.gov

Susan Geanacou, *Department of Finance*

915 L Street, Suite 1280, Sacramento, CA 95814

Phone: (916) 445-3274

susan.geanacou@dof.ca.gov

Dillon Gibbons, *Legislative Representative, California Special Districts Association*

1112 I Street Bridge, Suite 200, Sacramento, CA 95814

Phone: (916) 442-7887

dillong@csda.net

Paul Golaszewski, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8341

Paul.Golaszewski@lao.ca.gov

Ed Hanson, *Department of Finance*

Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814

Phone: (916) 445-0328

ed.hanson@dof.ca.gov

Mark Ibele, *Senate Budget & Fiscal Review Committee*

California State Senate, State Capitol Room 5019, Sacramento, CA 95814

Phone: (916) 651-4103

Mark.Ibele@sen.ca.gov

Paul Jacobs, *Fiscal & Policy Analyst, Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8329

Paul.Jacobs@lao.ca.gov

Michael Johnston, *Clovis Unified School District*

1450 Herndon Ave, Clovis, CA 93611-0599

Phone: (559) 327-9000

michaeljohnston@clovisusd.k12.ca.us

Jill Kanemasu, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-9891

jkanemasu@sco.ca.gov

Jennifer Kuhn, *Deputy, Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8332
Jennifer.kuhn@lao.ca.gov

Jay Lal, *State Controller's Office (B-08)*
Division of Accounting & Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0256
JLal@sco.ca.gov

George Landon, Deputy Superintendent, Admin. Fiscal Support, *Lake Elsinore Unified School District*
545 Chaney Street, Lake Elsinore, CA 92530
Phone: (951) 253-7095
George.Landon@leusd.k12.ca.us

Michelle Mendoza, *MAXIMUS*
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Yazmin Meza, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
Yazmin.meza@dof.ca.gov

Meredith Miller, Director of SB90 Services, *MAXIMUS*
3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670
Phone: (972) 490-9990
meredithcmiller@maximus.com

Robert Miyashiro, *Education Mandated Cost Network*
1121 L Street, Suite 1060, Sacramento, CA 95814
Phone: (916) 446-7517
robertm@sscal.com

Keith Nezaam, *Department of Finance*
915 L Street, 8th Floor, Sacramento, CA 95814
Phone: (916) 445-8913
Keith.Nezaam@dof.ca.gov

Andy Nichols, *Nichols Consulting*
1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

Christian Osmena, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
christian.osmena@dof.ca.gov

Arthur Palkowitz, *Stutz Artiano Shinoff & Holtz*
Claimant Representative
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106
Phone: (619) 232-3122
apalkowitz@sashlaw.com

Keith Petersen, SixTen & Associates

P.O. Box 340430, Sacramento, CA 95834-0430

Phone: (916) 419-7093

kbsixten@aol.com

Mark Rewolinski, MAXIMUS

625 Coolidge Drive, Suite 100, Folsom, CA 95630

Phone: (949) 440-0845

markrewolinski@maximus.com

Sandra Reynolds, Reynolds Consulting Group, Inc.

P.O. Box 894059, Temecula, CA 92589

Phone: (951) 303-3034

sandrareynolds_30@msn.com

Donna Richardson, Department of Social Services (A-24)

744 P Street, MS 17-27, Sacramento, CA 95814

Phone: (916) 654-0958

Donna.Richardson@dss.ca.gov

Gregory Rose, Department of Social Services (A-24)

Children and Family Services Division, 744 P Street, MS 8-17-18, Sacramento, CA 95814

Phone: (916) 657-2614

Greg.Rose@dss.ca.gov

Dan Scott, Special Victims Bureau

11515 Colima Rd, D103, Wittier, CA 90604

Phone: (562) 946-8282

Dscott@lasd.org

David Scribner, Max8550

2200 Sunrise Boulevard, Suite 240, Gold River, CA 95670

Phone: (916) 852-8970

dscribner@max8550.com

Steve Shields, Shields Consulting Group, Inc.

1536 36th Street, Sacramento, CA 95816

Phone: (916) 454-7310

steve@shieldscg.com

Jim Soland, Legislative Analyst's Office (B-29)

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8310

jim.soland@lao.ca.gov

Jim Spano, Chief, Mandated Cost Audits Bureau, State Controller's Office

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-5849

jspano@sco.ca.gov

Dennis Speciale, State Controller's Office

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254

DSpeciale@sco.ca.gov

Meg Svoboda, *Senate Office of Research*
1020 N Street, Suite 200, Sacramento, CA
Phone: (916) 651-1500
meg.svoboda@sen.ca.gov

Amy Tang-Paterno, Educational Fiscal Services Consultant, *California Department of Education*
Government Affairs, 1430 N Street, Suite 5602, Sacramento, CA 95814
Phone: (916) 322-6630
ATangPaterno@cde.ca.gov

Thomas Todd, Assistant Program Budget Manager, *Department of Finance*
Education Systems Unit, 915 L Street, 7th Floor, Sacramento, CA 95814
Phone: (916) 445-0328
Thomas.Todd@dof.ca.gov

Jolene Tollenaar, *MGT of America*
2251 Harvard Street, Suite 134, Sacramento, CA 95815
Phone: (916) 443-411
jolene_tollenaar@mgtamer.com

Brian Uhler, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8328
brian.uhler@lao.ca.gov

Marichi Valle, *San Jose Unified School District*
855 Lenzen Avenue, San Jose, CA 95126
Phone: (408) 535-6141
mvalle@sjusd.org

Kelly Winston, Bureau Chief, *Child Welfare Policy & Program Development Bureau*
744 P Street, MS 8-11-87, Sacramento, CA 95814
Phone: (916) 651-6100
kelly.winston@dss.ca.gov